

Appl. No.: 10/656,893
Filed: September 4, 2003
Amdt. dated 07/08/2005

REMARKS

This is in response to the Official Action mailed December 15, 2004. Following this Amendment, Claims 12-16 remain in this application.

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I. Drawings

This is to confirm the statement in the latest substantive Official Action that the drawings received on June 1, 2004 were approved.

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II. Specification

The Examiner set forth the following regarding the Specification:

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Since the claims are directed only to a method, the title should only be directed to the claimed method rather than a method, an apparatus and an appearance.
3. The abstract of the disclosure is objected to because: (1) "method" should be "method," in line 9; and (2) "and or" should be "and/or" in line 18. Correction is required. See MPEP § 608.01(b).
4. The disclosure is objected to because of the following informalities: (1) "and or" should be "and/or" on page 8, line 17; and (2) "60/441,336" on page 1, line 10.

Appropriate correction is required.

The applicant would like to note that the Title has been amended per the suggestion of the Examiner.

With respect to the Abstract objection, the applicant respectfully requests clarification on this matter; applicant's undersigned attorney could not locate the referenced text, but could be misunderstanding the objection. However, such changes are approved by applicant in other areas of the application by Examiner's Amendment.

With respect to the Disclosure objection, it may be seen that both amendments suggested in the Examiner's Paragraph 4 have been made.

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III. Double Patenting

The Examiner set forth the following comments on Double Patenting:

5. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process . . . may obtain a patent therefor . . ." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflict claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection base upon 35 U.S.C. 101.

6. Claims 5-8 and 10 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-5 of copending Application No. 10/347,663. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Note that, although claim 7 of the instant application recites "Mission tile shapes" whereas claim 3 of copending Application No. 10/347,663 recites "two-Piece Mission tile shapes", claim 7 of the instant application is claiming the same invention as claim 3 of copending Application No. 10/347,663 as discussed further hereafter. Specifically, the applicant uses the terms "mission tile shapes" and "two piece mission tile shapes" interchangeably in the instant original disclosure; therefore, the aforementioned claims would have the same interpretation and would be claiming the same invention although not identically worded.

7. Claims 5-8 and 10 are directed to the same invention as that of claims 1-5 of commonly assigned Application No. 10/347,663. The issue of priority under 35 U.S.C. 102(g) and possibly 35 U.S.C. 102(f) of this single invention must be resolved.

Since the U.S. Patent and Trademark Office normally will not institute an interference between applications or a patent and an application of common ownership (see MPEP § 2302), the assignee is required to state which entity is the prior inventor of the conflicting subject matter. A terminal disclaimer has no effect in this situation since the basis for refusing more than one patent is priority of invention under 35 U.S.C. 102(f) or (g) and not an extension of monopoly.

Failure to comply with this requirement will result in a holding of abandonment of this application.

8. This nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granting by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Omum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

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A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

9. Claim 9 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/347,663 in view of Great Britan Patent No. 2,200,9330 A (Hill).

Claim 9

As set forth above, claim 5 of the instant application, upon which claim 9 is dependent, is the same as claim 1 of copending Application No. 10/347,663. Therefore, claim 1 of copending Application No. 10/347,663 teaches all of the limitations of claim 5. However, claim 1 of copending Application No. 10/347,663 does not specifically teach that the simulation interface channel is rectangular. Hill teaches a method of making a roof tile with a mock-joint including forming a mock-joint (a simulation interface channel) in the continuous ribbon using a slipper having a blade member formed integrally therewith to give the appearance that the tile is comprised of more than one tile in side-by-side relationship on a roof wherein the mock-joint has a rectangular shape (said simulation interface channel is rectangular) (abstract; page 1, lines 4-18; page 2, lines 6-10; page 4, lines 6-21; page 7, lines 11-15; Figures). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made and one of ordinary skill would have been motivated to provide a rectangular simulation interface channel in the process of claim 1 of copending Application No. 10/347,663 as taught by Hill to provide a standard shaped simulation interface channel that accurately replicates standard joints in roofing structures.

This is a provisional obviousness-type double patenting rejection.

10. Claim 9 is directed to an invention not patentably distinct from claim 1 of commonly assigned Application No. 10/347,663. Specifically, claim 9 of the instant application is not patentably distinct from claim 1 of commonly assigned Application No. 10/347,663 in view of Hill for the reasons set forth in the obvious-type double patenting rejection above.

The U.S. Patent and Trademark Office normally will not institute an interference between applications or a patent and an application of common ownership (see MPEP § 2302). Commonly assigned Application No. 10/347,663, discussed above, would form the basis for a rejection of the noted claims under 35 U.S.C. 103(a) if the commonly assigned case qualifies as prior art under 35 U.S.C. 102(e), (f) or (g) and the conflicting inventions were not commonly owned at the time the invention in this application was made. In order for the examiner to resolve this issue, the assignee can, under 35 U.S.C. 103(c) and 37 CFR 1.78(c), either show that the conflicting inventions were commonly owned at the time the invention in this application was made, or name the prior inventor of the conflicting subject matter.

A showing that the inventions were commonly owned at the time the invention in this application was made will preclude a rejection under 35 U.S.C. 103(a) based upon the commonly assigned case as a reference under 35 U.S.C. 102(f) or (g) or (g), or 35 U.S.C. 102(e) for applications filed on or after November 29, 1999.

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Applicant's Reply

It should be noted that all claims rejected under this double patenting rejection have been deleted. However, it should also be noted that application no. 10/347,663 has been **expressly abandoned**. A copy of the concurrently filed Express Abandonment filed in that other application is attached for reference as **Exhibit A**.

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IV. Claim Objections

The Examiner set forth the following on page 5:

11. Claim 4 objected to because of the following informalities: (1) “;” should be inserted after “second slipper” in line 4 of claim 4. Appropriate correction is required.

As may be seen, this Claim 4 has been deleted.

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V. Claim Rejections – 35 USC § 102

The Examiner set forth the following beginning on page 5:

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,993,086 (Chaffee).

Claims 1 and 2

Chaffee teaches a method for making roofing (a method of providing multiple tile shapes from one tile mold) including molding or pressing a wet base material to form a shingle slab having a side elevation contour (providing a first tile shape by use of said tile mold) and scoring the underside the shingle slab so that odd sized units may be obtained by merely breaking each large unit along a desired score over a straight edge (providing a second tile shape by providing a channel configured to facilitate breakage of the second tile shape into two separate tiles) (page 2, column 1, lines 25-68; page 3, column 1, lines 50-58). Chaffee further teaches that the score lines are parallel to grooves 7. As such, all of the shingles broken off of shingle slab would inherently have a rectangular shape (two similar shapes are provided for said second tile).

14. Claims 5-8 and 10 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent Publication No. 2004/0237442 A1 (Simmons).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

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15. Claims 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,349,534 (Wotherspoon).
Claims 5-7

Wotherspoon teaches a method for forming a one-piece roofing tile (a method of providing a tile shape) having integrally concave and convex sections which may be quickly and easily laid in a minimum of time to form a Mission roof including extruding a tile by filing a movable die with concrete (providing a first tile shape by use of said mold); and passing the movable die under a statutory die such that the movable die forms the upper face of the tile and the statutory die forms the under face of the tile wherein a shadow shoulder 25 (a simulation interface channel) extending downwardly from the upper face gives the tile the appearance, when laid on a roof of being made of two separate but overlapping convex and concave sections of a Mission roof (simulating two tile shapes; providing the simulation of two separate second tile shapes by a single tile shape by providing a simulation interface channel at a location between two portions of said first tile; two similar shapes are simulated for said second tile shapes; said first tile shape is an S-tile shape and said second tile shapes are two-Piece Mission tile shapes) (column 1, lines 22-25; column 3, lines 51-60; column 4, lines 4-17; column 2, lines 23-27; Figures). 16. Claims 5, 6, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Great Britain Patent No. 2,200,930 A (Hill).

Claims 5, 6, 8 and 9

Hill teaches a method of making a roof tile (a method of providing a tile shape) with a mock joint including feeding mortar to a hopper extruder to form a continuous ribbon on a series of pallets (providing a first tile shape by use of said mold) conveyed beneath the hopper extruder; forming a mock-joint (a simulation interface channel) in the continuous ribbon using a slipper having a blade member formed integrally therewith to give the appearance that the tile is comprised of more than one tile in side-by-side relationship on a roof (simulating two tile shapes; providing the simulation of two separate second tile shapes by a single tile shape by providing a simulation interface channel at a location between two portions of said first tile; two similar shapes are simulated for said second tile shapes); and injecting a secondary material into and/or onto the surfaces of the mock joint to highlight the joint in the finished roof tile (said simulation interface channel is darkened to provide a shadow effect) (abstract; page 1, lines 4-18; page 2, lines 6-10; page 4, lines 6-21; page 7, lines 11-15). As illustrated in the Figures, Hill further teaches that the mock joint has a rectangular shape.

As may be seen, all claims rejected under § 102 have been deleted. However, New Claims discussed later are directed towards a similar but narrower invention.

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VI. Claim Rejections - 35 USC § 103

The Examiner set forth the following beginning on page 7:

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,349,534

(Wotherspoon) in view of U.S. Patent No. 1,993,086 (Chaffee).

Claim 3

Wotherspoon teaches a method for forming a one-piece roofing tile (a method of providing multiple tile shapes from one tile mold) having integrally concave and convex sections which may be quickly and easily laid in a minimum of time to form a Mission roof including extruding a tile by filling a movable die with concrete (providing a first tile shape by use of said mold); and passing the movable die under a stationary die such that the movable die forms the upper face of the tile and the stationary die forms the under face of the tile wherein a shadow shoulder 25 extending downwardly from the upper face gives the tile the appearance, when laid on a roof, of being made of two separate but overlapping convex and concave sections of a Mission roof (providing a second tile shape by providing a channel; said first tile shape is an S-tile shape and said two separate tiles of said second tile shape are two-Piece Mission tile shapes, one being a "cap" type and one being a "pan" type) (column 1, lines 22-25; column 3, lines 51-60; column 4, lines 4-17; column 2, lines 23-27; Figures).

Wotherspoon does not specifically teach that the channel is configured to facilitate breakage of the second tile shape into two separate tiles. However, Chaffee teaches a method for making roofing (a method of providing multiple tile shapes from one tile mold) including molding or pressing a wet base material to form a shingle slab having a side elevation contour (providing a first tile shape by use of said tile mold) and scoring the underside the shingle slab so that odd sized units may be obtained by merely breaking each large unit along a desired score over a straight edge (providing a second tile shape by providing a channel configured to facilitate breakage of the second tile shape into two separate tiles) (page 2, column 1, lines 25-68; page 3, column 1, lines 50-58). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made and one of ordinary skill would have been motivated to use the channel (e.g., the shadow shoulder 25) in the process of Wotherspoon as a channel configured to facilitate breakage as taught by Chaffee to allow an installer to custom configure the shape of the tiles during the installation process.

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19. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,349,534

(Wotherspoon) in view of U.S. Patent No. 1,993,086 (Chaffee) and U.S. Patent No. 5,743,059 (Fifield).
Claim 4

Wotherspoon teaches a method for forming a one-piece roofing tile (a method of providing multiple tile shapes from one tile mold) having integrally concave and convex sections which may be quickly and easily laid in a minimum of time to form a Mission roof including extruding a tile by filling a movable die with concrete (providing a first tile shape by use of said mold); and passing the movable die under a stationary die such that the movable die forms the upper face of the tile and the stationary die forms the under face of the tile wherein a shadow shoulder 25 extending downwardly from the upper face gives the tile the appearance, when laid on a roof, of being made of two separate but overlapping convex and concave sections of a Mission roof (providing a second tile shape by use of said tile mold and a second slipper; providing a channel) (column 1, lines 22-25; column 3, lines 51-60; column 4, lines 4-17; column 2, lines 23-27; Figures).

Wotherspoon does not specifically teach that the channel is a separation channel and breaking the tile along the separation channel. However, Chaffee teaches a method for making roofing (a method of providing multiple tile shapes from one tile mold) including molding or pressing a wet base material to form a shingle slab having a side elevation contour (providing a first tile shape by use of said tile mold) and scoring the underside the shingle slab so that odd sized units may be obtained by merely breaking each large unit along a desired score over a straight edge (providing a second tile shape by use of said tile mold; providing a separation channel; breaking said second tile shape along said separation channel) (page 2, column 1, lines 25-68; page 3, column 1, lines 50-58). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made and one of ordinary skill would have been motivated to use the channel (e.g., the shadow shoulder 25) in the process of Wotherspoon as a channel configured to facilitate breakage as taught by Chaffee to allow an installer to custom configure the shape of the tiles during the installation process.

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Neither Wotherspoon nor Chaffee specifically teaches that the tile mold could be used to provide multiple different tile shapes by using multiple different slippers. However, Fifield teaches a method of forming a roof tile including forming a roofing tile using an extruder, a pallet, a roller and a slipper wherein new profiles for the upper surface of the roof tile are produced merely by changing or adapting the roller and slipper means used to compress the tile making material (abstract; column 1, lines 3-5 and 34-65; column 3, lines 27-37; column 3, line 51 - column 4, line 3). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made and one of ordinary skill would have been motivated to modify the upper surface profile of the roof tile by changing the slipper (e.g., first and second slippers and one tile mold) in the process of Wotherspoon in view of Chaffee' as taught by Fifield to provide flexibility in the profile of the roof tiles being produced While having a low entry cost in terms of tooling (see specifically column 2, lines 22-25 of Fifield).

20. Claim 9 is rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent Publication No. 2004/0237442 A1 (Simmons) in view of Great Britain Patent No. 2,200,930 A (Hill).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e).

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This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(1)(1) and § 706.02(1)(2).

Claim 9

As set forth above, Simmons anticipates claim 5 of the instant application, upon which claim 9 is dependent. Therefore, Simmons teaches all of the limitations of claim 5. However, Simmons does not specifically teach that the simulation interface channel is rectangular. Hill teaches a method of making a roof tile with a mock joint including forming a mock joint (a simulation interface channel) in the continuous ribbon using a slipper having a blade member formed integrally therewith to give the appearance that the tile is "comprised of more than one tile in side-by-side relationship on a roof wherein the mock joint has a rectangular shape (said simulation interface channel is rectangular) (abstract; page 1, lines 4-18; page 2, lines 6-10; page 4, lines 6-21; page 7, lines 11-15; Figures). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made and one of ordinary skill would have been motivated to provide a rectangular simulation interface channel in the process of Simmons as taught by Hill to provide a standard shaped simulation interface channel that accurately replicates standard joints in roofing structures.

21. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Great Britain Patent No. 2,200,930 A (Hill) in view of U.S. Patent No. 5,743,059 (Fifield).

Claim 10

Hill teaches a method of making a roof tile (a method of providing a single tile) with a mock-joint including feeding mortar to a hopper extruder to form a continuous ribbon on a series of pallets (one tile mold conveyed beneath the hopper extruder; forming a mock-joint (a simulation interface channel) in the continuous ribbon using a slipper having a blade member formed integrally therewith to give the appearance that the tile is comprised of more than one tile in side-by-side relationship on a roof (simulating multiple tiles; providing a second tile shape by use of said tile mold and a slipper, said slipper providing a simulation interface channel); and injecting a secondary material into and/or onto the surfaces of the mock-joint to highlight the joint in the finished roof tile (abstract; page 1, lines 4-18; page 2, lines 6-10; page 4, lines 6-21; page 7, lines 11-15).

Hill does not specifically teach that the tile mold could be used to provide multiple different tile shapes by using multiple different slippers. However, Fifield teaches a method of forming a roof tile including forming a roofing tile using an extruder, a pallet, a roller and a slipper wherein new profiles for the upper surface of the roof tile are produced merely by changing or adapting the roller and slipper means used to compress the tile making material (abstract; column 1, lines 3-5 and 34-65; column 3, lines 27-37; column 3, line 51 - column 4, line 3). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made and one of ordinary skill would have been motivated to modify the upper surface profile of the roof tile by changing the slipper (e.g., first and second slippers and one tile mold) in the process of Hill as taught by Fifield to provide

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flexibility in the profile of thereof tiles being produced while having a low entry cost in terms of tooling (see specifically column 2, lines 22-25 of Fifield).

22. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 1,993,086 (Chaffee).

Claim 11

Chaffee teaches a method for making roofing (a method of providing multiple tile shapes from one tile mold) including molding or pressing a wet base material to form shingle slabs (forming a plurality of said second tile shapes) having a side elevation contour (providing a first tile shape by use of said tile mold) and scoring the underside the shingle slab so that odd sized units may be obtained by merely breaking each large unit along a desired score over a straight edge (providing a second tile shape by providing a channel configured to facilitate breakage of the second tile shape into two separate tiles) (page 2, column 1, lines 25-68; page 3, column 1, lines 50-58). Chaffee further teaches that contractors doing the installing of the shingles decide which shingle slabs to break (page 3, column 1, lines 50-58). Since the contractors would only break the shingle slabs as need, one of ordinary skill in the art would have obviously recognized that the contractors would break some of the shingle slabs while leaving some of the shingle slabs intact (e.g., breaking only a portion of said plurality of said second tile shapes).

As may be seen, all claims rejected under § 103 have been deleted. However, New Claims discussed later are directed towards a similar but narrower invention.

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VII. Allowable Subject Matter

Claim 12 was allowed, with the following being the Examiner's statement of reasons for allowance:

(1) The prior art of record does not teach or suggest the claimed method of providing a roof structure, as a whole, especially including providing a first tile shape including a cap portion; providing a second tile shape including a pair of breakage channels configured to facilitate breakage of the second tile shape into three sections; installing the first tile shape atop a supporting structure; and attaching one of the three sections atop the cap portion of the first tile shape.

It may be noted that the applicant has retained Claim 12, although its preamble has been amended slightly for purposes of antecedent basis. It may also be noted that two New Claims 13 and 14 set forth below have been drafted to approach and to include, respectively, the specific language used by the Examiner in this statement of reasons for allowance.

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VIII. Newly Added Claims

As may be seen, applicant, through its attorneys, hereby submits New Claims 13-16 for consideration by the Examiner. Of these claims, 13 and 14 are similar to allowed Claim 12, although they include language progressively following the Examiner's statement of allowance, especially Claim 14.

Claims 15 and 16 are directed toward the same *general* concepts as set forth in the deleted Claims 1-11, but they are narrower in order to avoid the prior art, in light of applicant's arguments.

Applicant's general arguments in support of these Claims 15 and 16 are summarized as follows. In reviewing the art as cited by the Examiner, applicant respectfully submits that the art does not teach the combination of "S-shaped" and "Mission tile shapes" in combination *with the use of a slipper* to provide the separation channel of New Claim 15 and the "simulation interface channel" of New Claim 16.

The art cited by the Examiner concededly does show the use of a channel in conjunction with *flat* tiles, but it is submitted that there is no teaching to combine the use of "slipper" technology with applicant's claimed channels.

Chaffee clearly does not contemplate slipper technology. *Wotherspoon* does appear to use an extension process, but there is no teaching to provide a channel for breakage or simulation; instead *Wotherspoon* teaches away from the use of channels by providing its simulation in a different manner – by providing the two "simulated" tiles with differently located ends. (Fig. 2 is a good example.)

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The British *Hall* reference does show an extended tile with a "mock-joint", but there appears to be no suggestion to adopt this to the applicant's claimed "S-Tile"/"Mission tile shape" configuration.

In light of the above, it is submitted that these claims are patentable.

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IX. Conclusion

In light of the above, it is submitted that Claims 12-16 are allowable over the art of record. The undersigned attorney may be reached for questions or comments at his direct line of 404 881 7968.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.


Respectfully submitted,

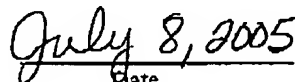

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